

# **National Archives and Records Administration**

**NARA 327, S2**  
September 18, 2019

## **Supplement 2 to NARA 327, Work Hours and Premium Pay**

### **PART 1 – OVERVIEW**

#### **1. Policy.**

- a. NARA's administrative work week is the seven consecutive calendar days beginning on Sunday and ending on Saturday.
- b. NARA's basic work week is 40 hours per week, scheduled over five consecutive days of eight hours each (eight and one-half hours including the meal period), Monday through Friday, with two consecutive days off at the end of the work week and without regard to holidays, except that:
  - (1) When necessary to meet organizational needs, an employee may be scheduled to work days other than Monday through Friday (e.g. Tuesday through Saturday);
  - (2) An employee may request a work schedule with non-consecutive days off, subject to supervisory approval.
- c. The basic work requirement is the number of hours (excluding overtime) in each pay period that an employee is required to either work or record as an absence.
  - (1) A full-time employee's basic work requirement is 80 hours in a pay period.
  - (2) A part-time employee's basic work requirement is the specific number of hours that the employee and her or his supervisor mutually agree the employee will work each pay period. The number of hours selected must be between 32 hours and 64 hours per pay period, except that Pathways interns may work fewer than 32 hours per pay period.
  - (3) Intermittent employees work only when recalled to duty by their supervisor.
- d. Managers and supervisors will schedule all work within the basic work week and will assign work to employees within their work schedules to the extent possible. When a supervisor schedules work outside of an employee's work schedule, the employee will be compensated with overtime; night, Sunday, or holiday pay (if applicable); or compensatory time or credit hours (if eligible).

e. Supervisors assign work schedules and hours of work (start and end times) to their employees and schedule rest and meal periods for the work unit based on the needs of the organization. Supervisors will accommodate employees' preferences to the extent practical. Supervisors must assign work schedules and hours of work in advance of the administrative work week and approved work schedules must cover a period of at least one week.

f. Each employee must be present for duty or on approved absence for all work days and work hours, according to her or his work schedule. Overtime, compensatory time, credit hours, and night, Sunday, and holiday pay are earned in 15-minute increments, and time worked less than a full 15-minute increment is rounded up to the next 15-minute increment. An employee who works fewer than her or his scheduled work hours will be charged for the absence. Hours absent from duty are used or charged in 15-minute increments. When regular time is worked in less than a full 15-minute increment, the employee will be charged for 15 minutes of absence.

g. Training should be scheduled during an employee's work schedule and work hours (start and end times) to the extent possible. Time spent in approved training (including a meeting or conference) is considered work hours and employees will not be charged leave or other excused absence for the time spent in training. With limited exceptions, an employee will not be paid overtime pay or earn compensatory time off for time spent in training. An employee's work schedule or work hours may be temporarily changed to accommodate training attendance.

h. Official travel must be scheduled during an employee's work schedule and work hours (start and end times) to the extent possible. Time spent on travel is generally not considered work hours and, with limited exceptions, employees will not be paid overtime for travel. When travel outside of work hours is unavoidable, a supervisor may authorize compensatory time for travel. Credit hours may not be earned on travel because official travel is not voluntary.

## PART 2 – WORK SCHEDULES AND WORK HOURS

### 2. Work schedules.

a. NARA offers five work schedules for full-time and part-time employees. Intermittent employees are not assigned a work schedule because intermittent work is irregular and unpredictable. All NARA work schedules are Alternative Work Schedules (AWS).

- (1) Flexitour. Full-time flexitour employees work five days each week, 8 hours per day (eight and one-half hours including the meal period), and have a designated start and end time that is the same every day. With supervisory approval, flexitour employees may vary their time of arrival

and/or departure by earning and using credit hours. Because credit hours can only be earned voluntarily and must be approved in advance, flexitour is the same as a traditional, fixed work schedule. All employees are assigned to a flexitour schedule unless or until they are assigned a different work schedule.

- (2) Flexitime. Full-time flexitime employees work five days each week and 8 hours per day (eight and one-half hours including the meal period), but do not have a fixed start and end time. Flexitime employees can choose their own start and end times, arrive at different times on different days, and – with supervisory approval – vary the length of the work day by earning and using credit hours.
- (3) 5/4-9 compressed work schedule. Full-time employees on a 5/4-9 schedule work eight 9-hour days, one 8-hour day, and have one work day off in each pay period (including meal periods, the employee works 9 ½ and 8 ½ hour days, respectively). Each work day must have a fixed start and end time and the regular day off must occur on the same day of each pay period. The 8-hour day must also occur on the same day of each pay period (but not necessarily the same weekday as the regular day off). Employees on a compressed work schedule are not eligible to earn credit hours.
- (4) 4/10 compressed work schedule. Full-time employees on a 4/10 schedule work four 10-hour days each week of the two-week pay period (10 ½ hour days, including the meal period). Each work day must have a fixed start and end time and the two regular days off must occur on the same days each pay period (but not necessarily the same day each week). Employees on a compressed work schedule are not eligible to earn credit hours.
- (5) Maxiflex. Full-time maxiflex employees may vary their start and end times, work more than eight hours per day, and complete the 80 hour per pay period work requirement in fewer than 10 days. Maxiflex work schedules are only available for GS-15 employees, employees in Administratively Determined (AD) and Senior Level (SL) positions, and members of the Senior Executive Service (SES). Maxiflex employees may earn credit hours for hours worked in excess of 80 hours in a pay period, except for SES employees. Maxiflex employees who are eligible to earn credit hours may earn credit hours on weekends.

b. Part-time employees.

- (1) Part-time employees on flexitour or flexitime may work fewer than five days per week and fewer than 8 hours per day, consistent with their basic work requirement. All other provisions of these work schedules apply.

- (2) Part-time employees may work a compressed work schedule. A part-time employee on a 5/4-9 work schedule works either two or three 9-hour days each week. A part-time employee on a 4/10 work schedule works either two or three 10-hour days each week. All other provisions apply.
- (3) Part-time employees in eligible GS-grades or positions may work a maxiflex work schedule. All provisions of the maxiflex schedule apply, except that the employee's basic work requirement is less than 80 hours.

c. Specific work units and positions may be excluded from participating in flexitime and compressed work schedules. A work unit or position may be excluded only for legitimate business needs (e.g. disruption of service to the public, additional costs, security reasons, or statutory requirements) and only with approval of the Archivist of the United States. All exclusions must be requested by the Executive or Staff Director and submitted to the Office of the Chief Financial Officer, Accounting Policy and Operations (XA) for routing to the Archivist.

### **3. Work hours.**

a. Core hours. Core hours are from 9:30 am to 2:30 pm local time. All employees must be present for duty or on excused absence during core hours on days they are scheduled to work. Generally, a part-time employee who works more than 5 hours in a day must be present for all of the core hours, and a part-time employee who works fewer than 5 hours must perform all of her or his time during core hours. A part-time employee may request a temporary adjustment of her or his work schedule because of personal hardship or to permit developmental assignments.

b. Flexible time bands. Employees may arrive for work no earlier than 6:00 am and end their basic work day no later than 6:00 pm, subject to the operating hours of their facility. Facility opening or closing hours will not be adjusted to accommodate flexible time bands. An employee may earn overtime or credit hours after 6:00 pm with supervisory approval.

c. Reasonable accommodation. An employee may establish work hours without regard to core hours and/or flexible time bands if the employee's work hours are an approved reasonable accommodation.

d. Rest and meal periods. Full-time employees are entitled to a minimum 30-minute, unpaid lunch or other meal period. Any employee who works more than six hours will be charged a 30 minute unpaid meal period unless that employee is working overtime on a non-work day. A part-time employee who works fewer than six hours may take a 30-minute, unpaid lunch or other meal period at the supervisor's discretion.

- (1) Employees may extend their meal period by requesting leave or extending their workday to provide for a maximum 60 minute meal period, regardless of the employee's work schedule. The meal period will be unpaid unless the employee takes leave. A supervisor may not deny a request for leave or extension of the workday unless there is a legitimate business need (e.g. disruption of service to the public, additional costs, security reasons, or statutory requirements) or the request would extend the work day past 6:00 pm or past the building hours of operation.
- (2) Unpaid meal periods must provide an employee with a legitimate break in the work day. An employee must be allowed to leave her or his work station. If an employee is required to stay at her or his work station during the lunch period, the employee must be paid for that time.
- (3) Employees are entitled to a 15 minute rest period for every four hours of work. Rest periods are (paid) duty hours and may not be accumulated for later use.
- (4) Rest periods may not be used to extend the meal period or begin, end, or shorten the workday. Employees are not permitted to shorten the workday by not taking a meal period (or by taking a meal period in conjunction with the start or end of the work day).
- (5) Supervisors may not schedule a continuous break in working hours longer than one hour during the work day.

e. Clean-up time. Where a local practice or negotiated agreement permits it, employees are entitled to a reasonable amount of time to clean up prior to meal periods and at the end of the work day.

f. Absence.

- (1) When an employee is absent for an entire work day, the employee will be charged with the number of hours of absence corresponding to the number of hours scheduled for that day (e.g. if an employee is scheduled to work 9 hours on a given day and is sick, she or he will be charged 9 hours sick leave).
- (2) When an employee is absent for less than the entire work day, the employee will be charged for the absence in 15-minute increments. If an employee is absent for less than a full 15-minute increment, the employee will be charged for an entire 15-minute increment. If an employee is unavoidably or necessarily late or tardy by less than 15 minutes, she or he will be permitted to extend the work day by an equal amount, unless it would extend the work day past the building hours of operation.

- (3) An employee on maxiflex will be charged with an absence only if the total number of hours worked in a pay period is less than the employee's basic work requirement.

g. Disruptions in government operations. When determining leave or other hours of absence for a delayed arrival or early departure for a government closure (e.g. due to weather), supervisors and employees will use the employee's scheduled start and end times. When an employee's work schedule does not have a fixed start and end time (flexitime or maxiflex), the supervisor must assign approximate start and end times that recognize that flexible work schedules are designed to allow variations in work hours when necessary and that do not penalize employees because of situations (such as weather) that are beyond their control. For employees on flexitime and maxiflex work schedules, the approximate start and end time for determining hours of leave or other absence will be determined as follows:

- (1) Advance notice. If the employee had informed the supervisor in advance that she or he intended to start or end work at a specific time on the day of the delayed arrival or early departure, this time will be used to determine the amount of absence; if not, then proceed to subparagraph (2).
- (2) Consistent Pattern of Arrival. If an employee generally arrives or departs within 5 to 10 minutes of the same time each day, this time will be used to determine the amount of absence; if not, then proceed to subparagraph (3).
- (3) Predominant Pattern of Arrival. If an employee arrives at or departs from work at one particular time more frequently than others, this time will be used to determine the amount of absence; if not, then proceed to subparagraph (4).
- (4) Variable Pattern of Arrival. If there is no discernable pattern to an employee's arrival or departure time, the employee's start or end time must be calculated as the mathematical average of the employee's daily arrival or departure time on work days for the two weeks immediately preceding the absence. The average start or end time will be used to determine the amount of absence hours.

h. Holidays.

- (1) Employees are entitled to pay on a holiday based on the number of hours scheduled for that day. Employees on flexitour, flexitime, or maxiflex are entitled to be paid for eight hours on a holiday. Employees on compressed work schedules are entitled to pay for the number of hours the employees is normally scheduled to work on that day (ten, nine, or eight hours).

- (2) If a holiday falls on a full-time employee's regular day off, the employee will receive an "in lieu of" holiday, which will be treated as the holiday for pay and leave purposes. The "in lieu of" holiday will be the last work day before the holiday, even if that places the "in lieu of" holiday in the preceding pay period.
- (3) Supervisors will not modify an employee's work schedule to grant the employee the benefit of a holiday.

**4. Changing work schedules and work hours.**

a. Management-directed changes.

- (1) A supervisor may make a permanent or temporary change to an employee's start and end time.
  - i. The employee must be needed at work during hours that are different from those the employee usually works (for example, the employee works from 9:00 am to 5:30 pm but must attend a training course that starts at 8:00 am).
  - ii. The employee must be notified of the change at least 72 hours before it takes effect and preferably not later than the preceding week except that, in an emergency or other unusual circumstances, an employee's work hours may be changed without advance notice.
- (2) A supervisor may temporarily reassign an employee to a flexitour work schedule (five days per week, 8 hours per day, fixed start time) from a flexitime, compressed, or maxiflex schedule.
  - i. The supervisor must have a legitimate business need (e.g. disruption of service to the public, additional costs, security reasons, or statutory requirements) to change the employee's work schedule.
  - ii. The employee must be notified of the change at least two weeks before it takes effect except that, in an emergency or other unusual circumstances, an employee's work hours may be changed without advance notice.
  - iii. Requiring an employee on a compressed work schedule to work on her or his regular day off is a management-directed change in work schedule.

- b. Voluntary (employee-requested) changes.
- (1) An employee may, on an occasional basis, request a temporary change in her or his start and end times with 24 hours advance notice. Any change is subject to supervisory approval.
  - (2) An employee may request a permanent change to her or his basic work requirement (e.g. full-time to part-time), work schedule (e.g. flexitime to 5/4-9 compressed), or work hours (e.g. 8:30 am to 5:00 pm to 9:00 am to 5:30 pm) on a quarterly basis.
    - i. The employee must request a permanent change in writing from her or his supervisor no later than two weeks before the start of the next quarter. The quarters start on January 1, April 1, July 1, and October 1.
    - ii. All changes must be approved in advance by the employee's supervisor. A supervisor may disapprove a change request for legitimate business needs (e.g. disruption of service to the public, additional costs, security reasons, or statutory requirements). Approved changes will take effect the first day of the first full pay period after the change is approved.
    - iii. The only exception to subparagraphs 4b(2)i and 4b(2)ii above is that an employee on a compressed work schedule may request to move to a flexitour or flexitime work schedule with two weeks written notice to her or his supervisor without waiting for the beginning of the next quarter.
- c. Required documentation.
- (1) Change in basic work requirement. Before a supervisor approves a temporary or permanent change in the basic work requirement (e.g. full-time to part-time or part-time to full-time), the employee must contact the Administrative Resource Center (ARC), Benefits, Compensation, and Systems Branch, at [NARAHHR@fiscal.treasury.gov](mailto:NARAHHR@fiscal.treasury.gov). ARC will counsel the employee on the impact a change in basic work requirements will have on her or his retirement and other benefits. A supervisor who approves a change must submit a "Change in Work Schedule" action in FPPS, except that an FPPS action is not required if the change is only for one pay period.
  - (2) Change in part-time hours. A supervisor who approves a temporary or permanent change in the number of hours a part-time employee works in a pay period (but the employee remains part-time) must submit a "Change



in Hours” action in FPPS, except that an FPPS action is not required if the change is for no longer than two pay periods.

- (3) Change in work schedule. A supervisor who directs or approves an employee’s request to make a temporary or permanent change in work schedule (e.g. flexitour to 4/10 compressed) must submit a completed NA Form 3096, Alternative Work Schedule Employee Selection Form, reflecting the new work schedule, to ARC Benefits, Compensation, and Systems Branch, at [NARAHHR@fiscal.treasury.gov](mailto:NARAHHR@fiscal.treasury.gov). ARC will record the new work schedule in FPPS and the employee’s timekeeper will record the change in Quicktime.
- (4) Change in work hours (start and end times). Employee start and end times are not recorded in Quicktime or FPPS. Supervisors who approve a change in an employee’s work hours do not submit (paper or electronic) forms. A supervisor may use NA Form 3096 to record employee start and end times and may require employees to use NA Form 3096 to request changes to their start and end times.

**5. Credit hours.**

a. Credit hours are hours worked in excess of an employee’s basic work requirements, which the employee elects to work in order to vary the length of a subsequent work week or work day.

- (1) Credit hours are available only to full-time and part-time employees working flexitour, flexitime, or maxiflex work schedules. Employees working compressed work schedules and members of the Senior Executive Service (SES) are not eligible to earn credit hours.
- (2) Full-time employees may carry over up to 24 hours of unused credit hours from one pay period to the next. Part-time employees may carry over up to one-quarter of the hours in the employee’s basic work requirement. For example, if a part-time employee’s basic work requirement is 32 hours, she or he cannot carry over more than eight credit hours. If an employee has hours in excess of her or his carry over limit at the end of the pay period, the excess hours will be forfeited and the employee is not entitled to any compensation for those hours.

b. Earning credit hours.

- (1) Full-time and part-time employees may earn a maximum of two credit hours per day. Credit hours are earned in 15-minute increments. If an employee works less than a full 15-minute increment, the employee will receive credit for the full 15-minute increment. Employees may earn credit

hours above the limits in subparagraph 5a(2), above, but the excess hours must be used before the pay period ends or the hours will be forfeited.

- (2) Credit hours are voluntary. Supervisors cannot require an employee to work credit time. If an eligible employee is required to work outside her or his basic work requirement and declines credit hours, she or he will be compensated with overtime pay or compensatory time.
- (3) Credit hours must be approved before being worked. Employees must request prior approval with sufficient advance notice to the supervisor. A supervisor may disapprove a request if there is not enough work to support the request, there is insufficient supervision during the requested work times, or for other organizational needs.
- (4) Credit hours can only be earned in performance of official duties and work performed will be evaluated under the employee's performance standards. Credit hours cannot be limited to special projects.
- (5) An employee will not be paid overtime pay, or night, Sunday, or holiday pay, for voluntarily working credit hours.
  - i. An employee can earn credit hours on a Saturday only if the employee's normal work hours include Saturday as a work day or if the employee is on a maxiflex schedule.
  - ii. An employee who is scheduled to work on a holiday may work additional time and earn credit hours on a holiday (subject to supervisory approval), but is not entitled to holiday pay for the credit hours.

c. Using credit hours.

- (1) Credit hours must be approved before being used. Employees must request prior approval with sufficient advance notice to the supervisor. A supervisor may disapprove an employee's request to use credit hours if the employee does not provide sufficient notice or if there are legitimate business reasons to deny the request. Supervisors are not obligated to approve the use of credit hours solely to prevent the forfeiture of credit hours that exceed the employee's carry-over amount.
- (2) Credit hours cannot be used in advance, but credit hours may be used and earned in the same pay period.
- (3) Credit hours used are a part of the basic work requirement for the pay period in which they are used, and employees are entitled to their rate of

basic pay for credit hours used. An employee will not be paid overtime pay, or night, Sunday, or holiday pay for credit hours used.

- (4) Credit hours do not expire.
  - i. If an employee changes from a flexible work schedule to a compressed work schedule, any remaining balance of unused credit hours will be held and remain in the employee's account. The employee will not be permitted to use credit hours after converting to a compressed work schedule. The credit hour balance will be retained and available to the employee to use if she or he reverts back to a flexible work schedule.
  - ii. If an employee separates from NARA with a balance of unused credit hours, the employee will be paid for unused credit hours at the employee's current rate of pay at the time of separation. An employee will be compensated for her or his actual balance at the time of separation, up to the carry-over balance in subparagraph 5a(2), above. Hours in excess of the carry-over amount will be forfeited and the employee is not entitled to any compensation for those hours.

### PART 3 – PREMIUM PAY

#### **6. Overtime.**

- a. Overtime hours.
  - (1) Flexible work schedules. For employees on a flexible work schedule (flexitime, flexitour, or maxiflex), overtime hours are any work hours in excess of 8 hours per day or 40 hours per week which are officially ordered in advance, but do not include credit hours earned. Part-time and intermittent employees earn overtime only on hours worked in excess of 8 hours per day or 40 hours per week, regardless of their basic work requirement.
  - (2) Compressed work schedules. For employees on a compressed work schedule, overtime hours are work hours that are officially ordered in advance and in excess of the number of daily hours specified in their work schedule, or in excess of 80 hours per pay period.
- b. Scheduling overtime. All overtime work must be ordered and approved in advance. This requirement applies whether the employee will receive overtime pay or compensatory time.
  - (1) A manager or supervisor who has authority to approve overtime must sign an NA Form 3082, Request, Authorization and Report of

Overtime/Compensatory Time, to document the advance approval of overtime before employees are ordered to work overtime.

- (2) Once approved, the supervisor must order overtime by assigning days and hours of overtime work to employees.
  - i. Normally, supervisors must first offer overtime to employees on a voluntary basis. If the required overtime hours cannot be met by the volunteers, the supervisor may assign mandatory overtime.
  - ii. Supervisors have the right to assign employees to work overtime in accordance with applicable laws, regulations, policies and the labor-management agreement, if they have received approval to pay employees for overtime work on NA Form 3082.
  - iii. When assigning mandatory overtime (or if the number of volunteers exceeds the number overtime hours), supervisors should distribute overtime equally among qualified employees to the extent practicable. In work units that routinely schedule (voluntary or mandatory) overtime, the supervisor must maintain a roster of overtime assignments.
  - iv. An employee may request relief from a mandatory overtime assignment. If another qualified employee is available to complete the assignment, the employee's request for relief will be granted. If all employees request relief, the supervisor will use a rotation system among qualified employees to assign the overtime work.
- (3) Overtime "suffered and permitted". FLSA nonexempt employees (discussed in subparagraph 6d, below) must be compensated for any overtime work that is "suffered or permitted" but only if they are on compressed work schedules. Overtime "suffered or permitted" is overtime work that was not ordered or approved in advance but that Management has allowed to occur. FLSA exempt employees and all employees on a flexible work schedule are excluded from this rule. Supervisors are responsible for ensuring that employees do not work overtime that has not been ordered or approved in advance.
- (4) Training overtime. FLSA exempt employees are not entitled to overtime for training attendance. FLSA nonexempt employees must be compensated for overtime hours spent in training if the time meets all other standards and requirements for overtime and:

- i. The training was directed by NARA and the employee's performance or retention would be adversely impacted without the training; or
- ii. The training is intended to improve the employee's performance of the duties and responsibilities of her or his current position.

(5) Travel overtime.

- i. FLSA nonexempt employees must be compensated for overtime hours spent on official business travel if the time meets all other standards and requirements for overtime and:
  - (a) The employee performs work, such as driving a vehicle, while traveling;
  - (b) The employee travels as a passenger and returns the same day;
  - (c) The employee travels as a passenger on non-work days during hours that correspond with the employee's work hours (start and end times); or
  - (d) Any of the criteria for FLSA exempt employees (in subparagraph 6b(5)ii, below) are met.
- ii. FLSA exempt employees will be compensated for overtime hours spent on official business travel if the time meets all other standards and requirements for overtime and:
  - (a) The employee performs actual work while travelling (e.g. uses a laptop to prepare work documents);
  - (b) The travel is necessary for or incident to the performance of work while travelling (e.g. returning an empty truck after a delivery);
  - (c) The travel occurs under such arduous and unusual conditions that the travel remains inseparable from work (e.g. abnormal means of transportation required due to remote location of the work site or extreme weather conditions); or

- (d) The travel is required due to an event outside the scheduling or control of the Federal government (e.g. court appearance required by subpoena).

c. Crediting overtime.

- (1) Overtime is earned in 15-minute increments. If an employee works less than a full 15-minute increment, the employee will receive credit for the full 15-minute increment.
- (2) When an employee is called back to work (on a work or non-work day), the employee must be credited with a minimum of two hours of overtime.

d. Overtime pay. The rate of overtime pay differs for employees depending on whether they are covered by FLSA. Employees who are exempt from FLSA coverage are also subject to bi-weekly and annual limitations on earnings.

(1) FLSA nonexempt (covered) employees.

- i. FLSA coverage is an analytical determination based on the duties and assignments of each position. Employees covered by FLSA are identified as “FLSA Nonexempt” in their position description, notifications of personnel actions (SF-50), and in human capital reports.
- ii. FLSA nonexempt employees are paid one and one-half times their hourly rate of basic pay (including locality pay) for overtime hours. If the employee earns night, Sunday, or holiday pay, the employee may be entitled to additional compensation of overtime.
- iii. FLSA nonexempt employees are not subject to a limitation on biweekly or annual earnings.

(2) FLSA exempt employees.

- i. Employees not subject to FLSA are identified as “FLSA Exempt” in their position description, notifications of personnel actions (SF-50), and in human capital reports.
- ii. FLSA exempt employees hourly rate.
  - (a) FLSA exempt employees with rates of basic pay less than or equal to the rate of basic pay for GS-10, step 1, are paid their hourly rate of basic pay (including locality pay), multiplied by 1.5.
  - (b) FLSA exempt employees with rates of basic pay greater than the basic pay for GS-10, step 1, but less than or equal to the basic pay for GS-10, step 10, are paid the greater of:



- (i) The hourly rate of basic pay for GS-10, step 1, multiplied by 1.5; or
    - (ii) The employee's hourly rate of basic pay.
  - (c) FLSA exempt employees with rates of basic pay greater than the basic pay for GS-10, step 10, are not entitled to overtime and must be granted compensatory time (described in section 333.9) for overtime hours worked.
- iii. FLSA exempt employees are also subject to a limitation on biweekly earnings.
- (a) FLSA exempt employees will not be paid in an amount that would cause the employee's total pay for the pay period to exceed the higher of:
    - (i) The biweekly rate of basic pay for a GS-15, step 10 in the employee's locality pay area; or
    - (ii) The biweekly rate of basic pay for level V in the Executive Schedule.
  - (b) A FLSA exempt employee whose total pay for a pay period would exceed the limitation in subparagraph 6d(2)iii(a) above will be paid an amount equal to the limitation and additional hours will be forfeited without compensation.
  - (c) In the event of an emergency or mission-critical situation, the Archivist of the United States may authorize a temporary waiver to the biweekly limitation on earnings; however, impacted employees will still be prohibited from earning more than the annual salary of a GS-15, step 10 or Level V Executive in the employee's locality pay area in a calendar year. This requirement cannot be waived.
  - (d) All waivers must be requested by the Executive or Staff Director and submitted to Accounting Policy and Operations (XA) for routing to the Archivist. Waiver requests must list the names of employees covered by the request, describe the nature of the emergency or mission-critical situation, and recommend a period of time for the waiver to remain in effect.

- (3) Senior Executive Service (SES) employees are prohibited by law from earning overtime hours, overtime pay, or compensatory time.

**7. Compensatory (comp) time.**

a. Eligibility. All employees, except for SES, may request comp time instead of overtime pay for "irregular and occasional" overtime work. Employees on flexible work schedules (flexitour, flexitime, and maxiflex) may request comp time for both "irregular and occasional" overtime work and regularly scheduled overtime work.

- (1) Irregular and occasional overtime is work that was not scheduled before the start of the administrative work week.
- (2) Regularly scheduled overtime work is overtime that was scheduled before the start of the administrative work week.

b. Earning comp time. An employee who chooses to substitute comp time for overtime pay must request to earn comp time in the same pay period the overtime hours were worked. When comp time is provided instead of overtime pay, one hour of comp time is granted for each hour of overtime worked. Comp time must be used by the end of the 26th pay period after the pay period in which it was earned.

c. Using comp time. Comp time must be used before taking annual leave, except for use-or-lose leave. Comp time may not be taken before it is earned and must be approved by the employee's supervisor before being used. Comp time is used in 15-minute increments.

d. FLSA nonexempt (covered) employees.

- (1) FLSA nonexempt employees are entitled to overtime pay and will not receive comp time unless the employee specifically requests it. The employee must be eligible to receive comp time per paragraph 7a, above.
- (2) There is no limitation on the number of comp time hours a FLSA nonexempt employee can earn or accumulate.
- (3) For FLSA nonexempt employees, comp time will be automatically converted to overtime hours and the employee will be paid at the overtime rate in effect when the hours were earned:
  - i. For accrued comp hours that are not used within 26 pay periods;
  - ii. For all accrued comp hours if the employee transfers to another agency or separates from Federal service; and

- iii. For all accrued comp hours if the employee is placed in leave without pay status to perform military service or because of an on-the-job injury that qualified for workers' compensation.
- e. FLSA exempt employees.
- (1) FLSA exempt employees whose pay is less than or equal to the rate for GS-10, step 10, and who are otherwise eligible to receive comp time per paragraph 7a, above, are entitled to overtime pay and will not receive comp time unless the employee specifically requests it. Eligible FLSA exempt employees whose pay exceeds the rate for GS-10, step 10, will only receive comp time for overtime hours worked.
  - (2) For FLSA exempt employees, comp time can be earned only up to the cap on premium pay. FLSA exempt employees cannot earn comp time where the amount of overtime pay the employee would have earned for those hours would cause the employee's total pay for the pay period to exceed the higher of:
    - i. The biweekly rate of basic pay for a GS-15, step 10 in the employee's locality pay area; or
    - ii. The biweekly rate of basic pay for level V in the Executive Schedule.
  - (3) For FLSA exempt employees:
    - i. Accrued comp hours that are not used within 26 pay periods and any accrued comp hours if the employee transfers to another agency or separates from Federal service are forfeited with no other compensation unless failure to use the compensatory time off is due to an exigency of the service beyond the employee's control.
    - ii. The supervisor of a FLSA exempt employee may request that unused comp time be converted to overtime pay by submitting a request to Accounting Policy and Operations (XA) explaining the nature of the exigency. Upon approval by the Office of the CFO, the excess comp time will be converted to overtime pay.
    - iii. If the employee is placed in leave without pay status to perform military service or because of an on-the-job injury that qualified for workers' compensation comp time will be automatically converted to overtime hours and the employee will be paid at the overtime rate in effect when the hours were earned.

**8. Night, Sunday, and holiday work.**

a. Limitations on earnings. Night, Sunday, and holiday pay is subject to the biweekly and annual limitations on earnings in subparagraph 6d(2)iii(a) for all employees. FLSA nonexempt (covered) employees are exempted from this limitation for overtime and compensatory time only.

b. Night work (General Schedule employees). Night work is regularly scheduled work (including regularly scheduled overtime) performed between the hours of 6:00 pm and 6:00 am. NARA does not permit regularly scheduled work hours after 6:00 pm, except as a reasonable accommodation.

- (1) An employee who works regularly scheduled work or regularly scheduled overtime is entitled to night pay differential for time worked after 6:00 pm. Employees are not entitled to night pay for credit hours earned or irregular and occasional overtime worked after 6:00 pm. Night pay is paid in 15 minute increments.
- (2) Night pay differential is 10 percent of an employee's regular rate of basic pay (including locality pay). An employee who performs night work is entitled to regular pay plus the 10 percent differential. Night pay differential is paid in addition to Sunday pay, holiday pay, or – for regularly scheduled overtime – overtime pay.
- (3) Supervisors may include night hours in an employee's work schedule only for an emergency or mission critical situation requiring night hours, or as a reasonable accommodation. Employees may not choose to work at night for their personal convenience.

c. Night work (Wage Grade employees). The provisions of subparagraph 8b, above, apply to Wage Grade employees except that a Wage Grade employee is entitled to night pay differential when the majority of the employee's regularly scheduled hours fall between 3:00 pm and 8:00 am and the employee's night pay differential is:

- (1) 7 ½ percent when the majority of work hours occur between 3:00 pm and midnight; or
- (2) 10 percent when the majority of work hours occur between 11:00 pm and 8:00 am.

d. Sunday work. Sunday work is regularly scheduled, non-overtime work performed on a Sunday. NARA ordinarily does not schedule work on Sundays.

- (1) An employee on a compressed work schedule who works regularly scheduled work on a Sunday is entitled to Sunday pay for all hours

worked on a Sunday. An employee on a flexible work schedule (flexitour, flexitime, or maxiflex) who works regularly scheduled work on a Sunday is entitled to Sunday pay for hours worked, up to 8 hours; time worked above 8 hours will be treated as overtime hours. Sunday pay differential is earned in 15 minute increments.

- (2) Sunday pay differential is 25 percent of an employee's regular rate of basic pay (including locality pay). An employee who performs Sunday work is entitled to regular pay plus the 25 percent differential. Sunday pay differential is paid in addition to night pay.
- (3) Supervisors are not permitted to include Sunday work in an employee's work schedule. Regularly scheduled Sunday work may only be authorized by the Executive or Staff Director, in consultation with the CFO. An employee is not entitled to Sunday premium pay while engaged in training, except under limited circumstances as provided in 5 C.F.R. § 410.402.

e. Holiday work. Holiday work is regularly scheduled, non-overtime work performed on a Federal holiday.

- (1) An employee on a compressed work schedule who works regularly scheduled work on a holiday is entitled to holiday pay for all hours worked on a holiday. An employee on a flexible work schedule (flexitour, flexitime, or maxiflex) who works regularly scheduled work on a holiday is entitled to holiday pay for hours worked, up to 8 hours; time worked above 8 hours will be treated as overtime hours. Holiday pay differential is earned in 15 minute increments.
- (2) Holiday pay differential is 100 percent of an employee's regular rate of basic pay (including locality pay). An employee who performs holiday work is entitled to regular pay plus the 100 percent differential. Holiday pay differential is paid in addition to night pay.
- (3) Employees required to work regularly scheduled, non-overtime work on a holiday are entitled to pay for at least two hours of holiday work. Overtime work on a holiday is compensated at the regular overtime rate.
- (4) An employee who is scheduled to work on a holiday but is relieved or prevented from working is still entitled to her or his basic pay for the holiday, as provided in paragraph 3h.
- (5) If a holiday falls on the regular day off of an employee on a compressed work schedule and the employee is required to work on her or his "in lieu of" holiday (see subparagraph 3h(2)), the employee is entitled to holiday

pay according to the same standards that apply to work on the actual holiday.

#### PART 4 – RELIGIOUS COMPENSATORY TIME OFF AND TRAVEL COMP TIME

### 9. Religious compensatory time off (CTO).

a. Eligibility. Any employee whose personal religious beliefs require that she or he abstain from work at certain times or days may voluntarily work additional hours, outside of her or his work schedule, to earn a special form of compensatory time off to make up for the work hours missed by meeting her or his personal religious requirements. The period of absence from work does not need to be officially mandated by a religious organization: It is only necessary that the employee's *personal religious beliefs* cause the employee to feel an obligation that she or he be absent from work for a religious purpose.

b. Earning religious CTO.

- (1) The employee must request to earn religious CTO before the religious observance. The employee's request must be made in writing and she or he must include the following information:
  - i. The name or a description of the religious observance;
  - ii. The date(s) and time(s) the employee plans to be absent; and
  - iii. The date(s) and times(s) the employee plans to work to earn religious CTO.
- (2) The supervisor must approve the employee's request, unless the time directly interferes with the efficient accomplishment of NARA's mission. A supervisor who denies an employee's request must provide the employee with a written explanation for denying the request.
- (3) An employee may earn religious CTO before or after it is used, provided that it is requested and approved before using it. Religious CTO may be earned up to 13 pay periods before the pay period in which it is used and up to 13 pay periods after the pay period in which it is used.
- (4) Religious CTO is earned in 15-minute increments. Hours worked outside of the employee's normal work schedule to earn religious CTO do not create an entitlement to overtime pay, comp time, or night, Sunday, or holiday pay.
  - i. An employee can earn religious CTO on a Saturday only if the employee's normal work hours include Saturday as a work day or

if the employee is on a maxiflex schedule. An employee may not earn religious CTO on a Sunday.

- ii. An employee can earn religious CTO on a holiday (during which the employee would otherwise be excused from duty) only if the facility is open that day or if the employee teleworks.
- iii. A part-time employee may earn religious CTO for time worked outside of her or his work schedule, even if those hours are below the overtime threshold (see paragraph 6a(1)).

- (5) An employee may only accumulate the number of religious CTO hours necessary to cover the specific dates and times that were requested and approved under paragraphs 9b(1) and (2). An employee who does not use her or his religious CTO as planned will retain unused religious CTO hours for future use, but she or he may not earn any additional religious CTO until the unused balance has been used or the employee is approved for another religious observation requiring religious CTO hours greater than her or his current balance.

c. Using religious CTO.

- (1) Religious CTO hours must be used in 15-minute increments. Religious CTO hours used are a part of the basic work requirement for the pay period in which they are used, and employees are entitled to their rate of basic pay for religious CTO hours used. An employee will not receive overtime pay, or night, Sunday, or holiday pay for religious CTO hours used.
- (2) Religious CTO hours may be used before they are earned with approval in advance. If an employee fails to earn religious CTO within 13 pay periods after using religious CTO, the employee will be charged annual leave, credit hours, or comp time for those hours and, if the employee does not have a sufficient balance of annual leave, credit hours, or comp time, the religious CTO hours used will be changed to leave without pay (LWOP).
- (3) If an employee transfers to another agency or separates from Federal service, NARA will pay the employee for any accrued balance of unused religious CTO hours using the employee's hourly rate of basic pay in effect when the hours were earned. If an employee transfers to another agency or separates from Federal service with a negative balance of religious CTO hours, NARA will charge the hours against the employee's balance of annual leave, credit hours, or comp time and, if the employee does not have a sufficient balance of annual leave, credit hours, or comp time, the religious CTO hours will be changed to LWOP.

**10. Compensatory time off for travel.**

a. Eligible travel. Compensatory time off for travel (“travel comp time”) is a form of compensation for time spent in a travel status, away from the employee’s official duty station, but only for time that is not otherwise available for compensation through other authorities.

(1) Away from the official duty station. The employee’s official duty station is the geographic area surrounding the employee’s regular work site. Travel comp time is available only if it was authorized in advance and was used for:

- i. Travel between the employee’s official duty station and the temporary duty station;
- ii. Travel between two temporary duty stations; and
- iii. Waiting periods at transportation terminals (e.g. airport, train station, car rental agency) prior to departure and between connecting flights for up to three hours.

(2) Not otherwise compensable. Travel comp time is not available for travel that is compensated through other authorities. The following are examples of travel compensated through other authorities.

- i. Travel during the normal work schedule and work hours is compensated with regular pay and is not available for earning travel comp time. This also applies to travel on paid holidays.
- ii. Travel that is covered by regular overtime or comp time rules under subparagraph 6b(5) is not available for earning travel comp time. However, a FLSA exempt employee may earn travel comp time for travel that is covered by regular overtime rules for FLSA nonexempt employees only.
- iii. Travel by criminal investigators who receive availability pay is not available for earning travel comp time if the travel hours are compensated by basic pay or regularly scheduled overtime or if they are “unscheduled duty hours” as described in 5 C.F.R. § 550.182(a), (c), and (d).
- iv. Senior Executive Service (SES) employees and employees on intermittent work schedules are not eligible to earn travel comp time.



- b. Creditable travel hours. Time spent on eligible travel is creditable for travel comp time.
- (1) Creditable travel hours. Time spent on eligible travel and engaged in the following activities is creditable for travel comp time.
- i. Travel from the employee's official duty station to a transportation terminal (e.g. airport, train station, car rental agency) on departure and, on return, from the transportation terminal back to the official duty station is creditable;
  - ii. Travel from the employee's residence to a transportation terminal (and/or from the transportation terminal back to the residence) is creditable only if the terminal is more than 50 miles from the employee's official duty station or residence, and the employee's normal home-to-work commuting time must be deducted in order to determine creditable travel hours;
  - iii. Waiting periods at transportation terminals prior to departure and between connecting flights, less meal periods, are creditable for up to three hours;
  - iv. Travel from the transportation terminal to the TDY transportation terminal, between transportation terminals at different TDY locations, and from the TDY transportation terminal to the home transportation terminal is creditable time;
  - v. On arrival at the temporary duty (TDY) location, travel from the transportation terminal to the TDY lodging facility or temporary duty station, wherever the employee arrives first, is creditable and, on departure, travel from the TDY lodging facility or duty station to the TDY transportation terminal is also creditable; and
  - vi. When the employee travels from her or his residence directly to a TDY location (without using a transportation terminal) travel time is creditable, less the employee's normal home-to-work commuting time.
- (2) Non-creditable travel hours. Certain segments or interruptions to travel must be deducted from creditable hours when determining travel comp time. The following hours are not creditable time for travel comp time:
- i. Travel between the employee's residence and the transportation terminal is not creditable if the transportation terminal is within 50

miles of the employee's official duty station or residence (this is considered normal home-to-work commuting time);

- ii. Travel between the employee's residence and the temporary duty station is not creditable if the temporary duty station is within 50 miles of the employee's official duty station or residence;
- iii. If the transportation terminal or temporary duty station is more than 50 miles away from the employee's official duty station or residence, normal travel time between the employee's residence and the official duty station must be deducted from creditable time if the employee travels from her or his residence; and
- iv. Meal periods, periods of rest or sleep, and any wait time in excess of the creditable wait time under paragraph 10b(1)iii is not creditable.

- (3) An employee is no longer in travel status once she or he arrives at the temporary duty station. Any time spent at a temporary duty station between arrival and departure will not be credited as travel comp time.
- (4) When travel involves two or more time zones, the time zone from the point of first departure will be used to determine the duration of travel and creditable hours.
- (5) When an employee deviates from the authorized transportation mode, date/time, or route, the additional time spent traveling is not creditable for travel comp time. When an unauthorized mode of transportation is used, creditable hours will be estimated based on the authorized (most expeditious) mode of transportation.

c. Earning travel comp time.

- (1) Travel comp time must be requested prior to travel. An employee who intends to request travel comp time must submit an estimate of the approximate number of travel comp hours to be earned when she or he arranges travel. Travel comp hours not approved in advance will be denied. The employee must submit a report on actual comp time earned within two weeks after returning from travel in order to be credited for travel comp time.
- (2) Travel comp time is earned in 15-minute increments. There is no limitation on the amount of travel comp time an employee can earn or accumulate. Travel comp time is not subject to the biweekly and annual limitations on earnings described in subparagraph 6d(2)iii.

- d. Using travel comp time.
  - (1) Travel comp time may not be taken before it is earned and must be approved by the employee's supervisor before being used. Travel comp time is used in 15-minute increments.
  - (2) Unused travel comp time expires on the last day of the 26th pay period after it was earned and will be forfeited with no compensation for all employees (FLSA exempt and nonexempt).
  - (3) If an employee transfers to another agency or separates from Federal service, any accrued balance of unused travel comp hours will be forfeited with no other compensation.